United States District Court
WESTERN DISTRICT OF TEXAS

Filed 5-15-08
Clerk, U. S. District Court
Western District of Texas
By [signature] Deputy

UNITED STATES OF AMERICA

v.

JOSE GARCIA (1) and
VICTOR JUAREZ (2),

CRIMINAL COMPLAINT

CASE NUMBER: SA 08-436M

I, the undersigned complainant, being duly sworn state that the following is true and correct to the best of my knowledge and belief. On or about May 15, 2008 in Bexar County, in the Western District of Texas defendant(s) did

unlawfully, knowingly and intentionally aid and abet each other in the Possession with Intent to Distribute a controlled substance, which offense involved a mixture and substance containing a detectable amount of Cocaine, a Schedule II Controlled Substance,

in violation of Title 21 United States Code, Section(s) 841(a)(1) and 841(b)(1)(C) and Title 18 United States Code, Section 2.

I further state that I am a(n) DEA Task Force Officer/San Antonio Police Department Detective and that this complaint is based on the following facts:

On May 14th 2008 I participated in a joint investigation between DEA, San Antonio and the San Antonio Police Department. I contacted SAPD Detective Darron Phillips and advised him that I had received information on an individual who would be transporting cocaine to a prearranged meet spot. According to the informant, the suspect would be traveling with at least two ounces of cocaine. The informant was very precise in his/her description of the suspect and vehicle. Surveillance started at 247 Sullivan where the suspect vehicle was parked. Sgt. Shoquist and Detective Phillips were in an unmarked vehicle parked east of the suspect vehicle. DEA Air wing was airborne and established surveillance from the above. The suspect vehicle backed out of the driveway of 247 Sullivan at 1:15 p.m. Surveillance followed the vehicle to 215 Gazel. Sgt. Shoquist and Det. Phillips parked west of this residence and waited approximately 15 minutes then the vehicle left 215 Gazel. They followed the vehicle to the Tom's Ribs located at Vance Jackson and Loop 410. Marked SAPD patrol vehicles approached the suspect vehicle; however, as they pulled into the parking lot, the suspect vehicle sped away. A high speed chase ensued. The driver, later identified as **VICTOR JUAREZ (JUAREZ)**, began throwing suspected cocaine out of the driver's side window. The vehicle eventually crashed and **JUAREZ** was subsequently arrested. Approximately 20 grams of suspected cocaine was recovered from the roadway.

Continued on the attached sheet and made a part hereof: ☒Yes ☐ No

[signature]
Eugene Valdez, Complainant

Sworn to before me and subscribed in my presence,

May 15, 2008 at San Antonio, Texas
Date City and State

NANCY STEIN NOWAK
United State Magistrate Judge
Name & Title of Judicial Officer

[signature]
Signature of Judicial Officer

Sgt. Shoquist and Det. Phillips returned to 215 Gazel where they suspected **JUAREZ** picked up the cocaine. They established surveillance and ran a vehicle parked in front of the residence. The vehicle came back to a Laredo Texas address. Sgt. Shoquist and Det. Phillips were in plain clothes with no weapons exposed. They approached the residence and knocked on the door. A female, later identified as Y. Arreola, came to a window in the door and looked out. Sgt. Shoquist advised her that they were Police Officers and showed her his badge. They asked her to open the door to speak with them. She opened the door and they advised her that they were conducting a narcotic investigation. They asked to come inside and talk to her. She refused them entry and wanted to talk on the porch. They respected her wishes and advised her that they attempted to stop a vehicle leaving her house and it fled and threw suspected narcotics from the window. She became pale and very nervous. They asked her if anyone else was inside the residence. She stated "no" she said no one else was home. Just then Detective Phillips saw movement in the room behind her and Sgt. Shoquist and Det. Phillips heard noises coming from the room. Given the previously stated facts and the nervous behavior she exhibited, they had reason to believe that some one was in the room behind her attempting to destroy evidence. They entered the residence to secure the house. Detective Phillips went into the room where he heard some one moving around and found **JOSE GARCIA (GARCIA)** on the bed with the covers pulled over his head. Detective Phillips pulled the covers off and found him fully clothed and pretending to be asleep. Sgt. Shoquist noticed in plain view, a plastic baggie on the bedroom floor next to a trash can beside the door. The baggie had a brown powdery substance consistent with heroin. When Sgt. Shoquist pointed it out to Phillips **GARCIA** stated "yea its heroin, I'm an addict". The officers placed both suspects on a couch in the living room. Detective Phillips searched the couch before seating them and found a semi-automatic handgun under the cushion. Detective Phillips went to the main substation located at 214 W. Nueva and typed a search warrant for the residence naming Arreola and **GARCIA**.

At approximately, 4:17, Detective Phillips returned with the warrant and read them their rights and the warrant. Both suspects stated they understood their rights and the warrant. Arreola and **GARCIA** are married. The officers discovered a lease agreement signed April 19th 2008 for 215 Gazel both **GARCIA** and Arreola signed the lease. Upon searching the residence, the officers found following narcotics and narcotics paraphernalia,

1. A clear plastic bag containing approximately **9.2 grams** of **heroin**;
2 A plastic container (100 mg) bottle approximately 1/3 full with alleged methadone;
3. A black wood box containing two clear plastic Ziploc bags of about **332.1 grams** of **cocaine**.
4. A multi-colored tin container which with two individually wrapped bags of **heroin** with a field aggregate weight of **51.6 grams;**
5. A plastic Tupperware container with a blue lid which r contained seven individually wrapped bags of **heroin** with a total field weight of **179.50 grams**;
6. A smaller plastic Tupperware container with blue lid containing two individually wrapped bags of **46.5 grams** of **Methamphetamine "Ice";**
7. One digital weigh scale (600 gram capacity);
8. boxes of Ziploc and sandwich baggies, saran wrap, digital weigh scale, false book safe which further contained assortment of identification cards and hand written drug ledgers;

9. One false mini-soda can; One index card containing handwritten narcotic ledger; Assortment of papers and memo books containing handwritten drug ledgers and numbers, names and digital weigh scale (100 gram weigh scale);
10. Time Warner receipt in Victor Juarez name for 247 Sullivan.

The officers also seized approximately nine (9) firearm weapons, some were loaded, and ammunition for the weapons.

The substances were field with positive results on the heroin, methamphetamine and cocaine.

Upon speaking with **GARCIA**, officers learned that he was in the process of moving from 247 Sullivan to 215 Gazel. I obtained a consent to search for their other residence located at 247 Sullivan. Other officers and I made the location with a key that was given to me by Arreola who also gave consent. The Officers entered the location and observed a female identified as C. Hernandez in the master bedroom. Hernandez advised the officers that she was the girlfriend of **JUAREZ** and had stayed at the house over night and was waiting for him to return. Detective Valdez asked her for identification and she replied it was in her purse. I accompanied her to her purse and checked the purse for weapons. Upon opening the purse, I observed a small baggie with a white powdery substance which appeared to be cocaine.

A search of 247 Sullivan resulted in the seizure of small amounts of marijuana, other narcotics paraphernalia and 2 shotguns.

Eugene Valdez, Complainant

Sworn to before me and subscribed in my presence on May 15, 2008, at San Antonio, Texas,

NANCY STEIN NOWAK
United State Magistrate Judge